

REMARKS

In the Office Action dated October 3, 2008, a number of rejections of claims 10-14 were made based on §112, first and second paragraphs.

All of those rejections have been addressed by making editorial changes in the claims.

All claims of the application are therefore submitted to be in full compliance with all provisions of §112.

All of the claims were rejected under 35 U.S.C. §102(e) as being anticipated by Nokita or, in the alternative, under 35 U.S.C. §103(a) as obvious over Nokita in view Lemelson et al.

This rejection is respectfully traversed for the following reasons.

As is apparent from the following discussion, none of the above-noted changes in the claim language has been made for the purpose of distinguishing any of the claims over the teachings of prior art of record. All of the above-noted changes were made solely for the purpose of conforming the claims to the requirements of 35 U.S.C. §112.

Applicant respectfully submits that the disclosure of the Nokita reference does not track the language of independent claim 10.

The operating device as set forth in claim 10 allows a user to switch back and forth between a programmed mode, in which only preset values of a medical diagnostic image can be entered, and a manual mode, in which an operator is free to personally select individual operating values for one or more components of the medial diagnostic imaging unit. When switching back and forth between these different modes, however, the display area of the display screen, at which the actual

values and parameters are displayed, does not initially change, and changes only when a further change is made by activating either the selection keys or the setting keys. This allows a user to see the values that have been entered in either of the modes, when a switch is made to the other of the modes. The operator thus can use those values that are displayed unchanged as a starting point for making changes in the currently-selected mode.

For example, if a user starts in the programmed mode, and makes certain entries by activating certain selection keys, and then switches to the manual mode, the values that were entered and displayed in the programmed mode will not be changed in the display area of the display screen when the switch is made to the manual mode.

In each of the modes, however, only the key field that is suitable for the currently-selected mode is displayed. Thus, in programmed mode, only the selection key field is displayed in the operating area of the display screen (because, in the programmed mode, only parameter selection, but not parameter setting, is permitted), and in the manual mode, only the setting key field is displayed in that operating area. The user thus is not confused by having both key fields displayed simultaneously, but the user nevertheless is "reminded" of the already-entered values by virtue of the display area of the display screen initially remaining unchanged when a switch between modes is made.

In substantiating the rejection of claim 10 based on the Nokita disclosure, the Examiner has relied primarily on Figures 8A through 8C of that reference. Despite identifying certain items in those figures as allegedly corresponding to certain claim elements of claim 10, Applicants respectfully submit the Examiner has not carefully

and consistently applied those identified items to the same claim elements of claim 10 throughout the Examiner's analysis of claim 10.

For example, the Examiner has identified the display area 840 in those figures as corresponding to the "operating area" of the display screen as set forth in claim 10. The language of claim 10, however, explicitly states that, in this "operating area," *only* a selection key field is displayed in the programmed mode.

Claim 10 further states that, in the manual mode, in this same operating area of the display screen, *only* a setting key field is displayed. As can be seen from Figure 8C (which the Examiner contends corresponds to the claimed "manual mode"), however, the key field used in that mode in the Nokita reference is overlaid on top of the area 840, and therefore the key field in which settings are made in the mode shown in Figure 8C of the Nokita reference does *not* allow the aforementioned operating area 840 to still be visually unobstructed for the user.

The Nokita reference, therefore, embodies precisely the problem in the art which the present invention is intended to overcome. This problem is that, when the operator is operating in the manual mode as shown in Figure 8C, the operator must remember the settings that were made in the previous mode, shown in Figures 8A and 8B, because those values are no longer visible to the user when the user is in the mode shown in Figure 8C, because of the overlay of the key field that is used in the mode of Figure 8C on the key field that is used in the mode of Figures 8A and 8B.

This is in contrast to the example shown in Figures 2 and 3 of the present application. Figure 2 shows the appearance of the display screen in the programmed mode, and Figure 3 shows the appearance of the display screen in the manual mode. As can be seen, when switching back and forth between these two

modes, although the key field changes from the selection key field shown in Figure 2 to the setting key field shown in Figure 3, the upper display 20, at least initially, remains unchanged and is still visually observable by the user. After the user has selected values in the programmed mode, therefore, the user can still see those values after switching to the manual mode, and thus can make entries in the manual mode with the values selected in the programmed mode still displayed to and visually observable by the user. The user thus does not have to remember those values, but instead has those values still displayed to him or her at the beginning of the manual mode.

This is why, consistent with the above discussion, claim 10 explicitly states that the control unit is configured to display elements respectively representing at least one preset value (from the programmed mode) and at least one settable value (from the manual mode) in a display area of the display screen *that does not overlap* the operating area. If the display area is, as designated by the Examiner, the area 840 shown in Figure 8A, and if the operating area for the manual mode is the overlay shown in Figure 8C, this explicit language of claim 10 is not satisfied by the Nokita reference. The Nokita reference, therefore, does not disclose all of the elements of claim 10 as arranged and operating in that claim, and thus does not anticipate claim 10, or any of the claims depending therefrom.

The Examiner relied on the Lemelson et al. reference solely as providing a disclosure regarding display of medical image data. The Lemelson et al. reference does not provide any teachings for modifying the basic operation of the Nokita reference as described above, and therefore claim 10, nor any of the claims depending therefrom would not have been obvious to a person of ordinary skill in the

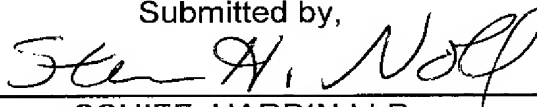
field of displaying medical image data, under the provisions of 35 U.S.C. §103(a) based on the teachings of Nokita and Lemelson et al.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Applicants herewith request an extension of time of one month for responding to the Office Action dated October 3, 2008, so that the period for responding thereto is extended from January 3, 2009 to February 3, 2009, This Response is accompanied by electronic payment for the requisite fee in the amount of \$130.00.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



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